



### REMARKS

This responds to the Final Office Action mailed on August 25, 2006.

Claims 1-48 are now pending in this application.

#### §103 Rejection of the Claims

Claims 1, 3-5, 9-12, 14-16, 20-23, 25-27, 31-34, 36-38 and 42-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagan et al. (U.S. 5,966,685; hereinafter Flanagan).

Applicant respectfully submits that claims 1, 3-5, 9-12, 14-16, 20-23, 25-27, 31-34, 36-38 and 42-45 should not be rejected under 35 U.S.C. § 103(a) for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 25 includes the following limitations:

*responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct; and*

*communicating said translated language construct to a second entity as a second transmission over said network, wherein said selected language construct is a predetermined question that is asked by said first entity and translated responsive to said selection by said first entity.*

The Final Office Action alleges that the above limitation is taught or suggested by the following quotes from Flanagan:

FIG. 2 illustrates the message structuring of one embodiment of the present invention. Upon logging onto a discussion group, the user may choose his or her language preference. ...

Col. 4, lines 21-28.

The MT Model has three views that are each separate CompuServe discussion groups -- one in English (EMCIMSU) 58, one in French (FMCIMSU) 60, and one in German (DMCIMSU) 62. A user may only see one view at a time. All three discussion groups contain the same message content and configuration. In this Example, the following translation directions occur: English to French; English to German; French to English; and German to English.

Col. 5, lines 45-52.

The above quotes from Flanagan describe discussion groups for a user to communicate with other users who speak the same or a different language (Abstract). The first quote describes a user who logs into a discussion group and chooses a language. For example, the user may choose the English language. The second quote describes an embodiment of the invention (Col. 5, lines 41-43) that includes three CompuServe discussion groups (e.g., English, French, and German) that respectively correspond to views. A user may see one view at a time (e.g., English view) however all three views (e.g., discussion groups) contain the same message content and configuration.

Claim 1 requires a selected language construct that is a predetermined question that is asked by a first entity and translated to a translated language construct responsive to a selection of the selected language construct by the first entity. Merely for example, a language construct may include the predetermined question “What is your address?” that is asked by a first entity. Continuing with the example, the language construct (e.g., English – “What is your address?”) may be translated to a translated language construct (e.g., French - “What is your address?”) responsive to the first entity selecting the language construct (e.g., English – “What is your address?”). In contrast to the above limitations from claim 25, the above quotes from Flanagan merely describe a user that chooses a language. Indeed, nowhere in the above quotes does

Flanagan describe a selected language construct that is translated to a translated language construct responsive to a selection of the selected language construct by the first entity. The Final Office Action states:

Examiner has stated that selecting a language as taught in Flanagan could be interpreted as asking a question. The translation “pairings”, example English to French, could also be interpreted as a user being queried, “What would you like to translate this to?” Anyone of ordinary skill in the art could interpret this type of language selection as a type of question. As stated before, it can be implied that this system is “asking a question” even though it is not stated in propositional phrase.

Final Office Action, Page 9, paragraph 30.

If the “system” from Flanagan is analogous to the “first entity” in claim 1 and the pairing “English to French” from Flanagan is analogous to the “translated language construct” in claim 1 then the above quotes from Flanagan fail to describe the language construct much less a selection of the language construct much less a translation of the selected language construct to the translated language construct much less the translation being responsive to the first entity selecting the language construct. Moreover, Applicant does not agree with the Final Office Action’s interpretation of the pairing “English to French” as a query to a user. Applicant submits that the pairing “English to French” is not a query to a user but rather an answer. Indeed, the above quote from the Final Office Action identifies “What would you like to translate this to?” as the question. To be sure, a juxtaposition of answers (e.g., “parings”) cannot be the same as a question in the form of a predetermine language construct that is selected (e.g., “What is your address?”). Indeed, Applicant submits that Flanagan describes the selection of an answer and not a question, as required by claim 25.

Further, the differences between the subject matter recited in claim 25 and the system described by Flanagan are not trivial. The subject matter of claim 25 provides advantages over the system described by Flanagan. For example, Flanagan describes a system that translates messages that may be entered by users that participate in the above described discussion groups (e.g., English, French German). As such, Flanagan does not describe language constructs that include predetermined questions that are asked by a first entity and translated to a translated

language construct responsive to selection of the language construct by the first entity. Indeed, the present application identifies the type of translation described by Flanagan as 1) expensive, 2) utilizing considerable storage capacity, 3) exhibiting imperfect translation; and, 4) producing grammatically incorrect sentences, respective deficiencies identified in the prior art by the present application (Application, paragraphs 2-4).

Flanagan therefore cannot be said to teach or suggest the above quoted limitations because Flanagan describes a user that chooses a language and claim 1 requires a selected language construct that is a predetermined question that is asked by a first entity and translated to a translated language construct responsive to a selection of the selected language construct by the first entity.

Claims 2, 6-7, 13, 17-18, 24, 28-29, 35, 39-40 and 46-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagan et al. in view of Scanlan (U.S. 6,857,022).

Claims 2, 6, 7, and 46-48 depend on independent claim 1; claims 13 and 17-18 depend on independent claim 12; claim 24, 28 and 29 depend on independent claim 23; and, claim 35, 39 and 40 depend on independent claim 34. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 2, 6, 7, 13, 17-18, 24, 28, 29, 35, 39, 40 and 46-48 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 8, 19, 30 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagan et al. in view of Christy (U.S. 6,301,554).

Claim 8 depends on independent claim 1; claim 19 depends on independent claim 12; claim 30 depends on independent claim 23; and, claim 31 depends on independent claim 34. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 8, 19, 30 and 41 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, Flanagan in combination with Scanlan in combination with Christy does not teach or suggest each and every limitation of claims 1, 12, 23, and 34 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEVE GROVE

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
408-278-4046

Date 10.24.2006  
M.

By

Mark R. Vatuone  
Mark R. Vatuone  
Reg. No. 53,719

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24 day of October 2006.

Peter Rabuffoni

Name

Peter Rabuffoni  
Signature